United Nations S/2006/903

Security Council

Distr.: General
17 November 2006

Original: English

Letter dated 16 November 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from the State of Kuwait, submitted pursuant to paragraph 6 of resolution 1373 (2001), as well as Kuwait's response to resolution 1624 (2005) (see annex). I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-62191 (E) 041206 051206

Annex

Letter dated 8 November 2006 from the Permanent Representative of Kuwait to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: Arabic]

With reference to your letter of 13 February 2006, I have the honour to transmit to the Counter-Terrorism Committee the fifth report from the State of Kuwait, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

I should be grateful if you would have this letter and its enclosure circulated as a document of the Security Council.

(*Signed*) Abdullah Ahmed **Al-Murad**
Permanent Representative

Enclosure

Fifth supplementary response of the State of Kuwait to questions raised by the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

Believing in the importance of combating terrorism through joint international action, the State of Kuwait, in its desire to cooperate fully with the Counter-Terrorism Committee and reply to all questions raised by the Committee, has submitted four previous reports and now has the honour to submit its fifth report on the suppression of international terrorism.

1. Implementation measures

• Criminalization of the financing of terrorism and effectiveness in the protection of the financial system

1.1 The Kuwaiti Penal Code criminalizes the financing of terrorism under articles 45 and 46. According to the Code, starting to carry out a crime of terrorist financing is considered an attempt to do so and is punishable even where only one individual is involved.

- Article 45 provides that an attempt to commit an offence is the commission of an act with the intention to complete it inasmuch as the actor is unable to complete the offence for reasons in which his will plays no part; merely thinking of or planning for the commission of an offence, however, is not considered an attempt to commit an offence.

- An accused person is deemed as having made an attempt whether he completes his action and is unable, despite that, to consummate the offence, or stops, against his will, before carrying out every act which it was within his power to commit; the fact that commission of the offence proves impossible owing to conditions unknown to the principal does not prevent the act from being deemed an attempt.

- Article 46 provides a penalty of life imprisonment for such attempts where the penalty for actual perpetration of the offence is death and a penalty of imprisonment for not more than 15 years where the penalty for actual perpetration is life imprisonment, the term being not greater than half the maximum penalty provided for the consummated offence, and a fine, which shall be not greater than half the maximum fine provided for the offence.

We should also like to point out that under the rules of criminal responsibility, anyone who commits an offence by himself is considered a perpetrator thereof and the offence is punishable under articles 47/First and 50/1 of the Penal Code.

- Indeed, article 47/First provides that whosoever, either by himself or with another or others, commits the act constituting the offence or carries out any of the acts constituting the offence is considered a principal to the offence; article 50/1, moreover, stipulates that the principal shall be subject to the penalty provided for the offence which he has committed or in whose commission he has participated.

We also draw attention to the fact that under the Kuwaiti Penal Code, mere knowledge on the part of a person of the offender's intention to commit an offence involving the external security of the State is deemed to make him an accessory thereto if he provides any manner of assistance to him. Article 21 (a) of Act No. 31 of 1970 provides for the amendment of certain provisions of the Penal Code. However, it considers an accomplice to an offence involving the external security of the State as being anyone who has knowledge of the offender's intentions and provides him with assistance, means of subsistence, housing, shelter, a meeting place or any other facilitation. The same is mentioned in article 5 of the said Act, where it provides that anyone who requests, whether for himself or for another, or receives or takes, even through an intermediary, from foreign States or from anyone operating in the interest thereof, sums of money or any other benefit, or is promised any such thing, for the purpose of perpetration of an act detrimental to a national interest of the country, shall be punished by a fine of 2,000 dinars, which shall not exceed [sic] the amount given or promised. If the offender is a public official or a person in charge of a public service or having a public prosecutorial or representative capacity or commits the offence during wartime, the penalty shall be life imprisonment and a fine of not less than 2,000 dinars and not more than twice the amount given or promised. Anyone who gives, offers or promises any of the things mentioned, for the purpose of perpetration of any of the aforementioned offences, shall be punished in the manner set out in the preceding two paragraphs [sic]. If the request, acceptance, offer, promise or intermediation is in writing, the offence shall be deemed consummated upon the mere issuance of the writing.

In this context, we wish to emphasize that the Kuwaiti draft — according to the aforementioned text — criminalizes the mere offer of money or any other benefit for the purpose of perpetration of an act detrimental to a national interest of the country, included among which are acts considered terrorist offences, and the law does not make it a condition that such offences actually take place.

1.2 Currently under preparation is a draft law on counter-terrorism that takes into account the requirements of the international conventions on the suppression of terrorism ratified or acceded to by the State of Kuwait and the relevant Security Council resolutions. There is also a bill on combating money-laundering and terrorist financing, a copy of which has been sent to the World Bank in order for the Bank to examine it, make any remarks that may be deemed necessary and effect any corrections prior to its passage.

The State of Kuwait will inform the Committee of all developments in this regard.

1.3 In 2002 the Central Bank of Kuwait established a department for combating money-laundering operations which establishes instructions regarding oversight for units subject to control (banks, investment companies and bureaux de change). In addition, it engages in coordination with a number of relevant governmental agencies, such as the Ministry of Foreign Affairs, in connection with the application of international resolutions and decisions for the freezing of the assets of individuals and entities suspected of involvement in terrorism, and the Ministry of Social Affairs and Labour, in connection with the monitoring and control of the transfers of public welfare associations licensed to engage in charitable work.

I

In 2004 the Central Bank created the Kuwaiti Financial Investigation Unit, headed by the Governor of the Central Bank. The unit studies, analyses and issues expert opinions on suspicious-transaction reports forwarded to it by the Prosecutor-General's office. Working in direct coordination with the Prosecutor-General's office, it issues expert opinions regarding reports submitted and responds to related inquiries addressed to the Prosecutor-General's office. In addition, it coordinates, within the framework of the reports submitted, with the representatives of the Ministry of the Interior and the General Administration of Customs in order to round out investigative efforts and collect information relating to the report submitted.

The department for combating money-laundering operations functions as a secretariat, coordinating with all members of the national committee within the framework of:

1. The briefing of the members on the latest developments in the effort to combat money-laundering and terrorist financing locally, regionally and internationally;

2. Response to inquiries of members regarding the mechanisms for the application of certain international criteria or the enhancement of useful aspects and expertise through local and regional agencies that offer technical assistance on such matters;

3. The presentation of periodic reports to brief members on the results of meetings of international and regional agencies that deal with the combating of money-laundering and terrorist financing, such as the Financial Action Task Force on Money-Laundering (FATF) and the Middle and East North Africa Financial Action Task Force (MENAFATF);

4. The coordination of consciousness-raising and training efforts at the level of the members of the national committee.

II

The members of the national committee to combat money-laundering and terrorist financing operations study any draft laws, instructions or decisions proposed or suggestions made at the committee's meetings.

Each member undertakes a thorough examination of the opinion of the agency he represents and then submits recommendations regarding the mechanism for implementation and execution of whatever may be issued by the national committee in that regard. Each agency proceeds to establish implementation frameworks and machinery and programmes for putting into effect any laws, instructions or decisions relevant to the suppression of money-laundering and terrorist financing within the framework of cooperation and for an exchange of experience between members of the national committee.

Inasmuch as the national committee is a strategy committee aimed at more efficient application of money-laundering and terrorist-financing criteria in Kuwait, the agencies represented engage in communication and coordination either through the members of the national committee or on a bilateral or joint basis between the members concerned, in such a way as to enhance the efficiency with which

suppression mechanisms are applied and to prevent double standards or contradictions in such application. To give an example: the national committee has established specialized working groups to prepare the implementing regulation for Act No. 35 of 2002 on the suppression of money-laundering, to prepare technical-assistance and training programmes for the members of the national committee and to review the said Act. A select group of members of the national committee participated, within those groups, in a study of assigned topics, through direct coordination with the agency represented by each member. Thus, proposals are submitted to the working group concerned, which undertakes to study them and prepare the requisite mechanisms for their implementation. The amended drafts are then submitted by the working group concerned to the national committee, which discusses them and adopts them after introducing any amendments or views of other members of the national committee, i.e., those who were not part of the working group in question.

Moreover, in late 2003 the Ministry of Commerce and Industry, given its particular sphere of competence and owing to its supervision of a large number of institutions and corporations, both financial and non-financial, was particularly intent on establishing a special office to combat money-laundering operations. The Deputy Minister is following up on an initiative to impart to it a sort of direct action, and its terms of reference have been defined as follows:

1. To contribute to the enforcement of the Money-Laundering Act, the monitoring of implementation and control procedures and the apprehension of offenders;

2. To issue the regulatory ministerial decrees;

3. To issue specific instructions and directives to institutions and companies that are subject to supervision by the Ministry;

4. To exercise control and inspection over institutions and companies, to monitor their compliance with the instructions issued to them and to note any non-compliance violation by any institution or company and take legal measures against it;

5. To follow all new developments in the area of local and regional efforts;

6. To participate in committee meetings and local and international conferences related to these fields.

1.4 In this connection we wish to mention that the Ministry of Commerce and Industry thanks the Counter-Terrorism Committee for welcoming the steps it has taken and emphasizes that it will continue efforts within the sphere of action entrusted to the office to combat money-laundering operations following the issuance of ministerial decrees Nos. 252 of 2002, concerning the instructions that must be adopted to combat money-laundering and terrorist-financing operations, and 204 of 2004, concerning other instructions issued to institutions and companies.

On the basis of Act No. 35 of 2002 on the suppression of money-laundering operations and the ministerial decrees mentioned above, the office adopted a number of measures during its previous work period.

The Ministry of Commerce and Industry has taken steps with regard to persons failing to comply with the instructions pertaining to them, as indicated in the following table for the period up to June 2006:

	Administrative measure	*Cases*
1	Warning	60
2	Closure	6
3	Referral to the Prosecutor's office	2

Effectiveness of counter-terrorism measures

1.5 The Ministry of Social Affairs and Labour has issued an administrative decision regarding the establishment of a committee on the monitoring of the field activity of charitable works. The committee is chaired by the Ministry's Assistant Deputy for Social Development and its members include representatives of the Ministry of Commerce, the Ministry of the Interior, the Ministry of Information and the Municipality of Kuwait. In addition, the Ministry has proposed a discussion between the specialized accounting offices to audit the accounts of charitable associations with a view to obtaining a picture of all their receipts and their disbursements and expenditures for the purposes for which they are intended.

Ministerial decree No. 223 of 2006 was issued with a view to establishing a joint committee between the Ministry of Social Affairs and Labour and a number of other relevant authorities and public welfare associations of a charitable nature, for the purpose of exchanging views.

Attached hereto is a copy of the plan of action of the Department of Charitable Associations and Institutions referred to in paragraph 1.5 of the Committee's letter.

1.6 In further confirmation of the above and as stated in the response of the State of Kuwait, during the period from 14 July 2002 to 4 December 2004, the Prosecutor-General's office received 22 reports on suspicions of money-laundering concerning which it undertook investigations. It ultimately held back 13 of those reports owing to the absence of any offence and turned over the other 9 to the competent court in accordance with Act No. 35 of 2002 on the suppression of money-laundering. In seven of those cases the court found against the defendants, while the other two defendants were exonerated.

1.7 The State of Kuwait has not received any inquiries from foreign States concerning the tracing, seizure or freezing of funds suspected of being linked to the funding of administrative acts or resulting therefrom [sic].

Status of the 13 universal counter-terrorism instruments

1.8 Kuwait has acceded to 11 of the 13 international agreements that the United Nations has called on States to sign or accede to in order to demonstrate their commitment to combating terrorism. As for an update on progress towards becoming party to the International Convention for the Suppression of Acts of Nuclear Terrorism (2005) and the International Convention for the Suppression of the Financing of Terrorism (1999), both conventions have been referred to the Council of Ministers and are in the process of undergoing the constitutional steps required for ratification.

1.9 A. We would like to stress that article 70 of the Kuwaiti Constitution indicates that a treaty has the force of law after signature, ratification and publication in the official gazette. However, treaties of peace and alliance; treaties

relating to the State's territory, natural resources or sovereign rights, or to citizens' public or private rights; treaties relating to commerce, navigation or residency; and treaties requiring expenditures from the State treasury not provided for in the budget or including amendments to the laws of the State of Kuwait require a special act to be issued in order to enter into force. Kuwait applies a monist doctrine, meaning that after ratification in accordance with article 70 of the Kuwaiti Constitution, a treaty enters into force and becomes an integral part of the national legal system without the need to turn it into a law through an act enacted by the legislative authority in accordance with the procedures for enacting domestic laws. A treaty has the force of law and in order for it to be promulgated it is enough that a law be issued indicating that it has been approved. There is no need for recourse to an act with various articles.

B. We also draw attention to the following accepted legal principles:

- If there are provisions in domestic legislation whose interpretation is disputed in a way that might bring them into conflict with provisions found in treaties, the interpretation that accords with the provisions of the treaty or agreement is the one that the courts are bound to follow.
- An agreement is deemed enforceable from the date of ratification, and a State that has signed or ratified it must enforce it by virtue of its being considered part of self-executing domestic legislation. There is no need to enact a special act when a treaty contains self-executing articles.

C. We would like to stress that with regard to certain international instruments against terrorism to which Kuwait is already a party that contain non-self-executing articles, such articles cannot be applied until a special act has been enacted clarifying the mode and mechanism of enforcement, because it is well-established that there can be no crime and no punishment without a legal provision. It is on this basis that the State has taken necessary steps to enact a counter-terrorism act to cover the obligations contained in such instruments.

Effectiveness of international cooperation in criminal matters

1.10* The State of Kuwait strives to promote international cooperation in criminal matters both through international, regional and bilateral agreements and by operating on the principle of reciprocity. In this regard, the State of Kuwait stresses the provisions of section 4 of Act No. 35 of 2002 on combating money-laundering.

Article 17 of that Act provides that the office of the Prosecutor-General, upon receiving a request from the competent judicial authorities of another State, may order the tracing or confiscation of belongings, proceeds or means linked to the crimes provided for by the Act when those crimes are committed in that other State in violation of its laws. This applies when there is a ratified bilateral agreement with that State in this regard, or in accordance with the principle of reciprocity.

Article 18 of the same Act provides that the Criminal Court may order the enforcement of any enforceable final judgement handed down by a competent court in another State providing for the confiscation of monies, proceeds or means linked to a money-laundering crime. This applies when there is a ratified bilateral agreement with that State in this regard, or in accordance with the principle of

* Translator's note: Arabic text has 1.1 here.

reciprocity, provided that the monies confiscated by the foreign judgement are liable to confiscation under the same conditions according to Kuwaiti law and the Criminal Court, which oversees enforcement of the foreign judgement, follows the rules of the Code of Procedure.

It should be noted here that the State of Kuwait is in the process of studying and exploring a draft unified code for the States members of the Gulf Cooperation Council (GCC) to regulate legal and judicial cooperation among those States on criminal matters.

Effectiveness of customs, immigration and border control

1.11* The State of Kuwait has rules and procedures for prior identification of inbound travellers from abroad through a visa system. Visa applications are subject to security screening by the Ministry of the Interior, and the names of suspicious persons are entered in computer travel-ban lists at all land, sea and air border-crossing points. Entry visas are denied on grounds of national security to any persons about whom there is information confirming involvement in the perpetration of terrorist acts.

There is coordination between the security and passport agencies of the Ministry of the Interior and the Department of Customs in order to supervise travellers passing through land and air borders. This also includes monitoring the movements of both exported and imported goods and shipments in accordance with the rules and regulations of the GCC Unified Customs Code.

The Department of Customs has introduced an automated system to monitor and clear all shipments and goods at all customs points. It also keeps statistics and maintains records for future reference when needed.

Implementation of resolution 1624 (2005)

Paragraph 1

2.1 The State of Kuwait has yet to enact a law expressly devoted to counter-terrorism. Other laws exist that can be used to combat and criminalize acts of terrorism. Among them are law No. 31 (1970), amending some of the provisions of the Penal Code (law No. 16 of 1960), which criminalizes and provides penalties for acts that are detrimental to the internal and external security of the State; and law No. 35 (1985) on related crimes, specifically articles 3 and 4 thereof. As for other measures for the prevention of such activities, the decree issued on 7 January 1979 concerning the Ministry of the Interior specified that among the Ministry's responsibilities are the maintenance of security and order inside the country and the formulation and implementation of plans that ensure the stability of the security of the State. On that basis, the Ministry of the Interior conducts investigations into those acts to prevent them from occurring and, should such acts occur, to apprehend their perpetrators.

* Translator's note: Arabic has 1.1 here.

Kuwaiti penal laws criminalize inciting or aiding in the commission of a criminal act in keeping with the criminalization of the act itself. The ministries concerned monitor religious sermons, schools, universities and the media in order to prevent the incitement to commit terrorist acts.

2.2 The State of Kuwait endeavours to exchange information with friendly States with which it has concluded conventions or memorandums of understanding on the exchange of information on terrorists, wanted persons and terrorist organizations. It is also creating a database of the names, data and pictures, if available, of such persons that will be made available by computer to all border entry/exit points. Thus, persons who are suspected terrorists or who have been convicted and are wanted by another State will be prevented from entering or will be apprehended. Furthermore, the names of all persons who are being prosecuted or tried or are being expelled from the country will be added to the lists. This information will be updated periodically.

Paragraph 2

We should like to emphasize the following:

- The Passport Act (law No. 11 of 1962) establishes the criteria for the obtainment of official passports by Kuwaitis and the entry and exit of persons, both Kuwaiti and foreign, into and from the country, as well as the penalties for forgery or falsification of those important documents.
- The Kuwaiti Penal Code, as amended, criminalizes the act of forging documents of all types, among them official documents, which naturally include personal identity papers and travel documents. The forgery of official documents is an offence punishable by a severe penalty consisting of a term of imprisonment of up to seven years, to which may be added a fine or, if the perpetrator is a foreigner, expulsion (articles 275, 274, 260, 259, 258 and 257).
- Controls have been imposed on travel and identity documents. In addition, every passport has its own number which indicates its holder, and all information pertaining to its bearer is stored and periodically and regularly updated in a database that has been linked to the relevant authorities and all entry/exit points in the country. Furthermore, such documents are printed using a secure, state-of-the-art process so as to prevent their being forged, and special forgery-detecting equipment has been provided.
- The authorities concerned have established special offices at the various entry/exit points in the country. Those offices have been provided with state-of-the-art equipment for examining the passports of persons arriving in the country where such passports are suspected of being forged. Those persons are handed over to the competent investigative authorities should it be established that their passports are forged.
- The authorities concerned have created a database containing the names of suspected persons or persons wanted by the law. All entry/exit points have been linked to this database in order to monitor the entry of such persons into the country.

– Information is exchanged electronically between the authorities concerned in Kuwait and their counterparts in other States and in organizations concerned with counter-terrorism through direct hotlines in order to combat terrorist acts, movements and networks, particularly in relation to forged travel documents.

Paragraph 3

2.4* The State of Kuwait participates in all conferences and meetings aimed at enhancing dialogue and understanding among civilizations with a view to preventing discrimination against different religions and cultures. The Ministry of Awqaf (Religious Endowments) and Islamic Affairs organized a conference on the subject of moderation. The State of Kuwait also cooperates with friendly States in training border officials in detecting and combating the forgery of travel documents. It also maintains computerized lists at entry/exit points of travel documents reported as lost or forged in Kuwait or in States that cooperate with Kuwait.

2.5 A counter-terrorism law is currently being drafted and Kuwaiti governmental institutions are combating terrorism by promoting a culture of tolerance, love and dialogue. The State of Kuwait has adopted a preventive approach aimed at eliminating extremism from society and a remedial approach according to which penalties are imposed on the perpetrators of prohibited acts.

The State of Kuwait endeavours to enhance the security of its international borders by preventing persons accused of incitement to commit acts of terrorism from entering its territory by means of bilateral security conventions concluded with States that have international borders with Kuwait. It also cooperates with States with which it maintains diplomatic relations by means of said conventions, which contain provisions on border security and the exchange of information.

Paragraph 4

The Kuwaiti Penal Code criminalizes inciting or aiding in the commission of a criminal act in keeping with the criminalization of the act itself. The ministries concerned monitor religious sermons, schools, universities and the media in order to prevent the incitement to commit terrorist acts.

* Translator's note: Arabic has no 2.3.

Attachment

Proposed action plan for the Department of Charitable Associations and Institutions of the Ministry of Social Affairs for the period from October 2002 to December 2006

Phase One

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
1. Locating a temporary site for the Department in the Ministry's headquarters	To enable the Department's workers to perform the role assigned to them	Necessary action to be taken by the relevant parties in the Ministry	A temporary site has been located, consisting of one office belonging to the Department of Civil Associations
2. Acting to select officials with the capability to implement the Department's mandates and goals	Staff selection is considered among the most important elements in successfully achieving the Department's goals	Conducting preliminary interviews to ascertain officials' capabilities	A legal investigator and a social worker were transferred on 20 October 2002
3. Holding introductory meetings with the chairpersons of the official committees of the charitable associations supervised by the Ministry of Social Affairs and Labour	To clarify the extent of the Department's goals and competencies	Carrying out field visits to the five associations' headquarters to meet with the committee chairpersons	All the charitable associations have been visited at their headquarters
4. Holding an initial meeting with the auditing office appointed by the Ministry	To acquaint the office with the new Department	Inviting the office's officials to a meeting at Ministry headquarters	The meeting has been held
5. Participation in a meeting to be held by the Ministry with the Central Bank of Kuwait	To establish a mechanism for implementing ways of monitoring all funds, their transfer abroad, and the opening of bank accounts	An urgent meeting to be held, attended by the Ministry Undersecretary, the Assistant Undersecretary for Social Development, and the Department's director	The meeting was held in the Central Bank of Kuwait's conference room and attended by the Deputy Governor

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
6. Holding bilateral meetings between the Department's director and the director of the Department of Civil Associations for discussion and consultation regarding the implementation of the transitional phase of supervision and monitoring of charitable associations as they are transferred to the new Department	To implement the transitional phase and act to avoid duplication of efforts		A number of meetings have been held and agreement on the necessary action has been reached
7. Acting to address administrative development to define and assign Department workers' tasks; issuing a ministerial decision defining, classifying and describing posts in accordance with their functional titles	To regulate the Department's working mechanism	Official letters to be sent in this regard	
8. Defining the rules and regulations governing the performance of Department workers	To identify the working procedures of each worker	Official letters to be sent in this regard	
9. Implementing the Undersecretary's directives with respect to contacts, discussions and inspection of the Department's proposed new premises; inspecting and selecting offices to begin carrying out tasks and acting to outfit them with operational requirements	To ensure independence of action and implementation of operational requirements	Conduct of necessary reviews with the relevant parties in both the Ministry of Social Affairs and Labour and the Ministry of Finance in conjunction with Mr. `Abd al-`Aziz al-Maqdisi	The required action has been taken, and work is ongoing as of 20 October 2002
10. Receiving applications from charitable associations for permission for public notices	To implement the requirements of the Department's monitoring plan	Expediting review of and response to applications	A number of letters have been received in this regard

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
11. Acting to consult and exchange opinions regarding the selection of an assistant director and division heads	To implement operational requirements according to official protocol and assign work in accordance with the organizational framework and improve it	Expediting selection of an assistant director and division heads	Work is ongoing in this regard
12. Establishing a proposed implementation mechanism for identifying improper public notices in all forms of media; acting to hold violators accountable in accordance with the recommendations of the Supreme Commission for Philanthropy	To exercise proper control and monitoring of charitable activities that are implemented	Monitoring published newspapers and communications media	Necessary action has been taken in this regard, and charitable associations in violation have been dealt with
13. Acting to issue a ministerial decision regulating fund-raising activities or the transfer of funds outside the State of Kuwait	To exercise control over fund-raising measures and the transfer of funds abroad	Meetings and consultations to be held with the competent parties and a memorandum to be submitted on this matter to the Minister	The necessary action has been taken
14. Acting in cooperation with the Central Bank of Kuwait to draft a final formula for regulating the opening of accounts in Kuwaiti banks and the transfer of funds through banks and financial institutions in Kuwait	To ensure that banks participate in consolidating control of funds transferred abroad in order to ascertain their sources and the mode and purpose of the transfer	Acting to review the desired formula in conjunction with the Central Bank of Kuwait	The first stages have been implemented
15. Follow-up by the Ministry of Communications regarding restrictions on the publication of audio, visual and print fund-raising appeals	To inform the relevant authorities and bring to their attention items that need to be followed up in this regard	Resending communications in this regard	The necessary action has been taken

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
16. Acting to create a computerized monitoring/accounting system that enables the Department to carry out its monitoring function in accordance with the best monitoring and accounting systems	To exercise control in accordance with the most up-to-date monitoring systems	Implementation requirements to be carried out in conjunction with the Ministry's computer department	Preliminary consultations have been conducted with Ministry officials in this regard
17. Acting to create a new system for regulating all in kind donations of clothing, furniture, equipment and other items by calling on relevant parties in the private sector to provide their most up-to-date and robust methods of regulating this type of charitable work	To regulate the process of in kind donation collection and prevent its abuse	Contacting relevant companies to submit their proposals	In consultation with Mr. Khalid al-Mahdi, director of the Department of Social Services
18. Inviting the chairpersons and members of charitable associations and institutions to attend an initial introductory coordination meeting with the Department to lay the groundwork for action to regulate charitable work in Kuwait	To consult on establishing a joint working mechanism to regulate charitable work	Inviting the chairpersons of the associations to the meeting subject to approval by the Ministry	Projected to take place during Ramadan
19. Acting to receive foreign delegations desiring to hold meetings with the Department to observe the Ministry's efforts, work methods and the plan adopted to achieve the Ministry's goals	To engage in more consultation	Inviting the relevant parties to meet	

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
20. Acting to create an accurate monitoring system to be implemented by Ministry inspectors after adoption	To achieve the highest degree of monitoring and control of fund-raising and the transfer of funds abroad	Training the relevant parties, sending workers to training courses abroad, and making the contacts abroad necessary for organizing such courses in coordination with the competent party	Expediting the necessary action
21. Acting to submit a proposal to organize the first conference on charitable work in Kuwait, including forming the necessary committees, choosing topics and a theme for the conference, inviting all the charitable associations and institutions to participate in the conference, which would be designed to clarify their role in charitable work and its various dimensions on both the domestic and foreign levels	To shed light on the positive aspects of charitable work, clarify its dimensions, and forestall accusations that might be levelled against it	Conducting consultations and discussions with relevant parties in the Ministry in order to approve topics for the conference and implementation requirements	
22. Acting to create a new donation-collection form approved by the Ministry, with serial numbers and the Ministry seal	So that sponsors may rest assured of the legality of donations and the ways they are used	Acting to create, print and gain approval from the competent authority for this form	

Phase Two

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
23. Acting to introduce an external form to be provided by the Ministry to any association applying to implement any charitable project, inside Kuwait or abroad, containing declarations specifying the project's type, cost, purposes, location, beneficiaries, etc., to be submitted to the Ministry for review and approval	To allow for official Government approval for the implementation of such projects, in order to protect the association involved from baseless accusations or claims	More consultation, submission of the project to officials for approval, and submission to relevant parties with a view to adoption and implementation	
24. Studying the implementation of conditions to be set by the Council of Ministers for the establishment of associations and accreditation of individuals, and putting them into effect in accordance with the official conditions and requirements adopted by the Ministry	To adopt new mechanisms for the future establishment of associations or institutions	Formation of a technical committee within the Department to carry out these tasks and refer them to the competent authority	
25. Establishing standards for evaluating the performance of associations and implementation of their programmes within the spirit of the laws and regulations governing the performance of such associations and their operating branches, to allow for evaluation of them and their activities and improving them in conformity with the State's public policy	To allow the Department to follow up the performance of such associations and evaluate them objectively in accordance with the latest scientific methods and techniques	Formation of a technical committee within the Department to carry out these tasks and refer them to the competent authority	
26. Studying the introduction of the best means of directing programmes and optimizing their performance in accordance with each association's goals	To provide direction and follow-up and to apply a scientific and technical approach that conforms to professional norms in this field	Formation of a technical committee within the Department to carry out these tasks and refer them to the competent authority	

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
27. Calling on relevant parties within the Ministry and outside to lay the groundwork for coordination and cooperation to enhance the positive role of associations and institutions	To achieve collective action and assign roles to the competent parties	Beginning to select such parties, invite them for discussion and consultation, and holding the necessary meetings	
28. Introducing conditions and procedures for applications by associations for their members to participate in activities, meetings and conferences held in the country or abroad	To achieve greater regulation of the participation of members in such meetings, whether in the country or abroad	Issuing the necessary circular and gaining the approval of Ministry officials	
29. Following up the implementation of laws and rules regulating the activities and programmes of charitable associations issued by the Supreme Commission for Philanthropy	To achieve effective execution of the Supreme Commission's recommendations and decisions and to supervise their implementation	Receiving recommendations and acting to implement and actualize them	
30. Acting to consider issuing a fund-raising declaration form	To regulate fund-raising activity in the country	Submitting the form, after consideration, with a view to gaining approval and printing it	
31. Charging agencies operating within the Department to follow up the extent of compliance by associations and institutions with the conditions laid out by the Civil-Sector Labour Act	To prevent workers in violation of the Act from working in the civil sector, and to monitor them	Cooperation between the Department and the Ministry's labour division	
32. Introducing a working system for periodic supervision of the work of associations to ensure their compliance with the laws, basic regulations and regulatory decisions governing them	To consolidate supervision and follow-up activities in a way that achieves the Department's objectives	Charging the relevant technical agencies with implementing periodic supervision	

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
33. Introducing a system to monitor financial, administrative, technical and regulatory violations, and taking the necessary action to deter violators from repeating them	To achieve the highest level of violation monitoring and performance evaluation	Issuing a decision charging a committee with following up and ascertaining that violations are monitored	
34. Evaluating the fitness and structural soundness of the associations' current buildings and sites and taking necessary action for their maintenance or renovation	To ensure the health of association workers and visitors from the public, and to safeguard charitable capabilities and funds so they are used in the right way	Forming a team, in cooperation with the relevant Ministry agencies such as the Department of Public Services, to evaluate the performance of the associations' buildings	
35. Coordination with relevant parties in the Ministry of Foreign Affairs regarding reports and studies on the performance of charitable associations abroad with a view to submitting the necessary reports on them	To follow up reports and studies received by the Ministry of Foreign Affairs with a view to taking the necessary action regarding them	Opening official communication channels with relevant parties in the Ministry of Foreign Affairs	
36. Receiving proposals, studies, plans and projects for future implementation by charitable associations and institutions both inside the country and abroad with a view to issuing the necessary decisions regarding them and following up the associations' compliance with them	To ascertain what these associations are doing in this area	Charging a relevant party in the Department with implementation, follow-up and submission of the necessary reports on this matter	

Elements of the plan	*Purpose*	*Implementation requirements*	*Comments*
37. Acting to form a Committee on Charitable Associations and Institutions with members selected from both sides under the supervision of the Ministry in order to enhance the role of both sides in achieving Kuwait's development goals, and acting to establish a fund for the country's poor and needy	To enhance the performance of these associations and channel their resources and accomplishments in accordance with the higher interest of the country	Adoption of the proposal by Ministry officials	
38. Evaluating the performance of social and development work mandated by the decision establishing the associations and institutions and acting to enhance it in accordance with the extent of each association's charitable work	To shed light on professional activities and social work and reveal the development aspects with which the associations are charged	Assigning qualified workers to implement these tasks	
39. Making a scientific study containing the experiences of non-governmental institutions in social development and evaluating them	To conduct a comprehensive evaluation of the activities of charitable associations and institutions	Forming a working committee to carry out the study and provide recommendations	